

Stauffer, Panah

From: Stauffer, Panah
Sent: Monday, February 29, 2016 8:57 AM
To: Rodriguez, Roberto; Armijo, Estrella
Subject: RE: Unregistered Swimming Pool Pesticide Products

Hi Roberto and Estrella,

(b) (5)



Best,
Panah

Panah Stauffer
Enforcement Division (ENF 3-3)
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3247

From: Rodriguez, Roberto
Sent: Tuesday, January 12, 2016 12:42 PM
To: Stauffer, Panah <Stauffer.Panah@epa.gov>; Armijo, Estrella <Armijo.Estrella@epa.gov>
Subject: FW: Unregistered Swimming Pool Pesticide Products

This is a good summary of the meeting between the American Chemistry Council and HQ.

Roberto Rodriguez, Manager
SDWA/FIFRA Enforcement Office
Enforcement Division, EPA Region 9
75 Hawthorne Street (ENF-3-3)
San Francisco, CA 94105
415-972-3302

From: Ostrowski, Mary [mailto:Mary_Ostrowski@americanchemistry.com]
Sent: Tuesday, January 12, 2016 12:27 PM
To: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>
Subject: RE: Unregistered Swimming Pool Pesticide Products

Dear Roberto,

As you requested, I am writing to give you a summary of a meeting that took place on Sept. 1, 2015 among American Chemistry Council staff, two ACC member company representatives, Mr. James Miles and Dr. Brenda Mosely of EPA's Office of Enforcement and Compliance, and Mr. Lance Wormell, Mr. Demson Fuller and Mr. John Hebert of EPA's Office of Pesticide Programs.

The meeting took place in the EPA OECA offices in Washington, DC. OPP staff participated by phone.

ACC had previously sent a letter (dated Dec. 17, 2014) to EPA to inform the agency of a list of unregistered mineral ionizer marketers. This list included the four marketers with headquarters in Region 9 (i.e., airwaterbestprices.com (Campbell Environmental Systems), Chlorine-free Pools (Triden Pools), ClearSwim and Energistx).

As you know, it is illegal in the US to sell unregistered swimming pool sanitizers. In 2007, EPA clarified that the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires mineral ionizer products to be registered as pesticides (see <http://www.gpo.gov/fdsys/pkg/FR-2007-09-21/html/E7-18591.htm>).

We learned at the meeting that one of the marketers we identified, Ecosmarte (Region 5), had obtained EPA registration after OECA had sent our information to EPA Region 5.

At the Sept. 1 meeting we were informed by Mr. Miles and Dr. Mosely that any enforcement actions against the mineral ionizer marketers we identified would be taken at the discretion of the relevant EPA regional office. We were also told that EPA regional office officials are under no obligation to report back to EPA headquarters on the results of their investigations/potential actions. Therefore, we concluded that the only way to stay informed on registration progress would be to check EPA registration listings and/or to communicate with the regional offices.

EPA OECA thanked us for our 2014 letter, saying it contained that type of useful information needed to initiate an investigation. Mr. Miles and Dr. Mosely also said they have limited staff and must prioritize cases, but that the ionizer cases are important because they have the potential to adversely affect public health (according to EPA, mineral ionizers must be used in conjunction with low levels of chlorine sanitizers in swimming pools; scientific studies confirm this, but many mineral ionizer marketers claim pools can become "chlorine-free" when consumers use them). They noted that they welcome further information that we might supply in the future, in particular, language stating straight pesticidal claims, inferences regarding chemistry, and formulation percentages that do not make sense.

We are striving to develop contacts with each of the regional offices, and we would be pleased if you would be our contact for Region 9.

Please let me know if you have any questions.

Thank you for your assistance.

Sincerely,

Mary

Mary Ostrowski | American Chemistry Council

Senior Director, Chlorine Issues

mary_ostrowski@americanchemistry.com

700 2nd Street, NE | Washington, DC | 20002

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From: Rodriguez, Roberto [<mailto:Rodriguez.Roberto@epa.gov>]

Sent: Monday, January 11, 2016 1:31 PM

To: Ostrowski, Mary

Subject: RE: Unregistered Swimming Pool Pesticide Products

Thank you.

Roberto Rodriguez, Manager

SDWA/FIFRA Enforcement Office

Enforcement Division, EPA Region 9

75 Hawthorne Street (ENF-3-3)

San Francisco, CA 94105

415-972-3302

From: Ostrowski, Mary [mailto:Mary_Ostrowski@americanchemistry.com]

Sent: Monday, January 11, 2016 10:30 AM

To: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>

Subject: RE: Unregistered Swimming Pool Pesticide Products

Roberto,

We have only seen the online advertising of these companies.

I'll send a summary of our Sept. 1 meeting with OECA/OPP as soon as possible. It may be tomorrow, if that's ok. (Catching up after the holidays!)

Thanks,

Mary

From: Rodriguez, Roberto [<mailto:Rodriguez.Roberto@epa.gov>]

Sent: Monday, January 11, 2016 1:22 PM

To: Ostrowski, Mary

Subject: RE: Unregistered Swimming Pool Pesticide Products

Mary,

The advertising you note in your letter, are you referring to online/internet advertising? If you have any hardcopy info, please also forward to me. Thank you.

Roberto Rodriguez, Manager
SDWA/FIFRA Enforcement Office
Enforcement Division, EPA Region 9
75 Hawthorne Street (ENF-3-3)
San Francisco, CA 94105
415-972-3302

From: Ostrowski, Mary [mailto:Mary_Ostrowski@americanchemistry.com]

Sent: Monday, January 11, 2016 10:10 AM

To: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>

Subject: FW: Unregistered Swimming Pool Pesticide Products

From: Ostrowski, Mary

Sent: Monday, December 21, 2015 12:31 PM

To: 'rodriguez.roberto@epa.gov'

Subject: Unregistered Swimming Pool Pesticide Products

Dear Mr. Rodriguez,

Thank you for returning my call on Friday, Dec. 18. You asked me for further information on unregistered mineral ionizer sanitizers in EPA Region 9, which is supplied here.

The attached letter was sent to US EPA Office of Enforcement and Compliance Assurance (OECA) headquarters on Dec. 17, 2014, describing the issue. The American Chemistry Council (ACC) staff and two of our members met with Mr. James Miles and others from both OECA and the Office of Pesticide Programs on Sept. 1, 2015. At that time we learned that the information on unregistered products would be sent on to the appropriate regional offices for further action.

This email is to ask you if there has been any progress in your office in addressing these marketers, which still appear to be unregistered:

Campbell Environmental Systems
520 Washington Blvd. #607
Marina Del Rey, CA 90292

310-822-4188

Triden Pools
3075 E Thousand Oaks Blvd
Thousand Oaks, CA 91362
310-935-1056

ClearSwim
P.O. Box 73308
Phoenix, AZ 85050
310-742-7946

Energistx
1012 Third Street
Santa Cruz, CA 95060
866-733-8686

Please feel free to contact me at any time to discuss.

Thank you,
Mary

Mary Ostrowski | American Chemistry Council
Senior Director, Chlorine Issues
mary_ostrowski@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
O: 202-249-6705 C: 703-624-3052
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www.americanchemistry.com